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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,177	07/06/2000	Howard Barr	SPIRIT.001A	5600
20995	7590	06/18/2004	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			DINH, TIEN QUANG	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 06/18/2004

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GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/611,177
Filing Date: July 06, 2000
Appellant(s): BARR, HOWARD

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JUN 18 2004

GROUP 3600

Michael Fuller
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/29/04.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 15-40 stand or fall together.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

4725956	JENKINS	2/1988
4964598	BEREJIK ET AL	10/1990
4206411	MEYER	6/1980

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(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 18-40 are rejected under 35 U.S.C. 103(a). This rejection is set forth in a prior Office Action, mailed on 7/1/03.

(11) *Response to Argument*

In response to applicant's arguments on the "Admitted Prior Art", the Examiner would like to point out that page 6 clearly shows that two-axis accelerometers and that accelerometers that are inclinometers and accelerometers that measure static acceleration are well known to one skilled in the art as admitted by the applicant. The applicant clearly shows this is the case by citing the models and the companies that produces these accelerometers.

The Examiner would like to start out discussing the Jenkins reference to respond to the applicant's arguments. Jenkins as discussed in the previous office action teaches a control system controls the remote controlled aircraft that has a receiver, a control module, and a position module. The Examiner strongly believed that the Jenkins' control module 35 clearly modifies the control signals received from the pilot so that the aircraft would not fly out of control and thus crashing. This can be seen in figure 3. Figure 3, clearly shows that when the pilot input a control and are received by element 26 of Jenkins, the control module 35 would take the pilot's input into consideration along with the attitude sensor, heading sensor, and aircraft motion sensor to modify the pilot's input so that the aircraft would not fly in a dangerous manner. This is supported by the pitch rate limiter as can be clearly seen in figure 3 of Jenkins. The Examiner, however, introduced the teaching of Berejik et al to demonstrate that a control

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module that modifies control signals to a set of defined performance parameters (see figure 3 and columns 4, lines 54 to column 5, lines 1-22). Berejik et al clearly teaches that a control module that modifies the control signals and flies the aircraft correctly so that if the control signals were to put the aircraft in danger, then the control module would make sure that the aircraft will fly safely. Meyer was used to show that pulse-width modulated signals and signals to change the flight pattern of the aircraft to a predetermined flight patter in case of emergency are well known in the art. The Jenkins, Berejik et al, and Meyer references are clearly used to control the remote control aircrafts.

Concerning the arguments on page 13 of the appeal brief, the Examiner respectfully disagrees with the applicant's assertions that the data is used to transmit to the ground and is not used to control the aircraft. The applicant is advised to look at column 3, lines 42-51, which states that autopilot system comprises motion sensors 33. The inputs from sensors 33 are provide to the autopilot 35, which receives command inputs via telemetry receiver 26 as well as heading and altitude data from heading sensor 37 and altitude sensor 39. Taking this into account and along with the pitch rate limiter (as shown in figure 3), one can safely say that modular autopilot takes inputs from the sensors 37, 33, 39 and pilot input from element 26 to modify the control command so that the aircraft will not crash. Please note that an autopilot is a computer that takes inputs from the pilot and sensors that monitors that operational status of the aircraft to safely control the aircraft. The Examiner, however, introduced the Berejik et al reference to further show that modified control signals are well known in the art.

In conclusion, the Examiner maintains that Jenkins in view of Berejik et al, Meyer, and the admitted prior art are combination and clearly teaches what has been claimed.

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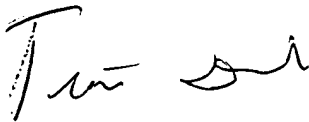
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Tien Dinh
June 12, 2004

Conferees
Peter Poon
Robert Swiatek

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A handwritten signature in black ink, appearing to read "Tien Dinh", with a stylized, cursive script.